

AMENDED IN ASSEMBLY MAY 10, 2011

AMENDED IN ASSEMBLY APRIL 11, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 486

Introduced by Assembly Member Hueso

February 15, 2011

An act to add Section 53069.35 to the Government Code, relating to graffiti abatement.

LEGISLATIVE COUNSEL'S DIGEST

AB 486, as amended, Hueso. Graffiti tracking system: funding.

Existing law provides that a city or county may pass an ordinance to recover city or county funds used to remove graffiti or other inscribed material from publicly or privately owned real or personal property within the city or county. Existing law authorizes a city, county, or city and county; to pass an ordinance directing the probation officer of the county to recoup its costs associated with defacement by minors of its property and the property of others by graffiti or other inscribed material, through juvenile court proceedings, as provided.

This bill would require a city or county within the jurisdiction of the San Diego Association of Governments (SANDAG) to pay 10% of the amounts collected pursuant to the above provisions to SANDAG for the purpose of funding a graffiti tracking system to be administered by SANDAG. The bill would become operative only upon the establishment and operation of a countywide graffiti tracking system administered by SANDAG *and would become inoperative upon the adoption of a resolution by SANDAG discontinuing the operation of the graffiti tracking system.*

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

This bill would make legislative findings and declarations as to the necessity of a special statute for the cities and counties within the jurisdiction of the San Diego Association of Governments.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53069.35 is added to the Government
2 Code, to read:

3 53069.35. (a) As used in this section, “SANDAG” means the
4 San Diego Association of Governments, as referenced in the San
5 Diego Regional Transportation Consolidation Act, Chapter 3
6 (commencing with Section 132350) of Division 12.7 of the Public
7 Utilities Code.

8 (b) Ten percent of any amounts received by a city or county
9 within the jurisdiction of SANDAG pursuant to an ordinance
10 adopted pursuant to Section 53069.3 to recover funds used to
11 remove graffiti or other inscribed material from publicly owned
12 or privately owned real or personal property within the city or
13 county, and 10 percent of any amounts received by a city or county
14 within the jurisdiction of SANDAG pursuant to an ordinance
15 adopted pursuant to Section 742.14 of the Welfare and Institutions
16 Code to recoup its costs associated with defacement by minors of
17 its property and the property of others by graffiti or other inscribed
18 material, shall be paid to SANDAG on an annual basis.

19 (c) Funds paid to SANDAG pursuant to subdivision (b) shall
20 be used exclusively for the purpose of funding a graffiti tracking
21 system to be administered by SANDAG.

22 (d) This section shall become operative only upon the
23 establishment and operation of a countywide graffiti tracking
24 system administered by SANDAG. *Upon the adoption of a*
25 *resolution by SANDAG to discontinue the operation of the*
26 *countywide graffiti tracking system administered by SANDAG,*
27 *this section shall cease to be operative.*

1 ~~SEC. 2.~~ No reimbursement is required by this act pursuant to
2 ~~Section 6 of Article XIII B of the California Constitution because~~
3 ~~the only costs that may be incurred by a local agency or school~~
4 ~~district are the result of a program for which legislative authority~~
5 ~~was requested by that local agency or school district, within the~~
6 ~~meaning of Section 17556 of the Government Code and Section~~
7 ~~6 of Article XIII B of the California Constitution.~~

8 ~~SEC. 3.~~

9 ~~SEC. 2.~~ The Legislature finds and declares that a special law
10 is necessary and that a general law cannot be made applicable
11 within the meaning of Section 16 of Article IV of the California
12 Constitution because this act will serve as a pilot program for local
13 government in San Diego County and therefore there is a need to
14 enact this act on a trial basis only prior to extending the act to other
15 jurisdictions.